**S.B. CIVIL MISC. APPEAL NO. 626/2001**

Date : 01.03.2006

**HON'BLE MR. BHAGWATI PRASAD, J.**

Mr. R.K. Mehta for the appellant.
Mr. Ravi Bhansali for the respondent.

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Heard.

The present appeal is filed against the award passed by the MACT, Bhilwara. The award was passed looking to the law prevailing at the relevant point of time, however, in the present circumstances, the award cannot be maintained. However, the interest of justice will be meet, if the claimant is held entitled to retain and restrict the claim already received by him and the amount deposited by the Insurance Company before the tribunal be refunded back to them. The amount paid may be recovered from the owner and driver.

With the aforesaid modification in the award, the appeal is disposed of.

**(BHAGWATI PRASAD), J.**

bjsh